IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14852 of 2005

Between:

1. Sri Vegulla Veerraju Municipal Market Merchants Welfare Society, rep. by its Secretary, Satti Sattibabu, S/o. Krishna Murthy, R/o. Mandapeta, E.G.District.

2. Satti Satti Babu, S/o. Krishna Murthy,
at Sri Vegulla Veerraju Municipal Market, Mandapeta, East Godavari District.

..... PETITIONERS

AND

1 The Commissioner of Mandapeta Municipality, Mandapeta, E.G.District.
2 The Special Officer, Mandapeta Municipality, Mandapeta, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of 1st respondent in attempting to demolish the sheds/shops of the members of the petitioner society situated at Sri Vegulla Veerraju Municipal Market area pursuant to the Auction Notice bearing ROC.No.1175/93-E-1 dt. 15.06.2005 is highly illegal, arbitrary discriminatory and violative of Articles 14 & 21 of the Constitution of India and the same is liable to be set side and consequently direct the respondents not to demolish the sheds/shops of the members of the petitioner society situated at Sri Vegulla Veeraju Municipal Market area till alternative arrangements are made to the members of the society.

Counsel for the Petitioner:MR.K.SATYANARAYANA MURTHY

Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

Counsel for respondent No.2: None appeared.

The Court at the admission stage made the following :

O R D E R:

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This writ petition is filed for a declaration that the action of the first respondent in attempting to demolish the sheds/shops of Sri Vegulla Veerraju Municipal Market Area pursuant to the auction notice bearing ROC.NO.1175/93-E-1, dated 15.06.2005 is illegal, arbitrary and violative of articles 14 and 21 of the Constitution of India and the same is liable to be set aside and for a consequential direction to the respondents not to demolish the sheds/shops of the members of the petitioner-society situated at Sri Vegulla Veerraju Municipal Market area till alternative arrangements are made to the members of the Society.

It is the case of the petitioner-Society that the members of the Society who belong to OC, BC & ST categories are eking their livelihood by doing business by selling various goods like vegetables, fruits, rice and other provisional essential commodities including dry fish, etc., in their respective shops/sheds constructed by the Mandapeta Municipality. There after, when the Mandapeta Municipality passed a resolution to construct a new Municipal Market on the northern side of Burugunta Cheruvu to provide more facilities to the residents of Burugunta Cheruvu, one Valluri Subbarao, Sri Ramulu and Merla Surya Rao filed a suit in O.S.No.176 of 2003 on the file of the Junior Civil Judge, Alamuru, seeking to grant temporary injunction restraining the defendants therein from carrying out any operations in the schedule tank including the removal of trees on the bunds of the schedule tank, pending disposal of the suit. The court below granted interim injunction. Aggrieved by the same, the Mandapeta Municipality filed C.R.P.No.2700 of 2004 before this Court and the same was allowed. As the matter stood thus, due to some political pressure, the Municipal Commissioner of Mandapeta Municipality issued auction/tender notice vide ROC NO.1175/93-E-1 dated 15.06.2005 for demolition of the shops/sheds and for lifting of the material. Against the said notice, this writ petition is filed.

The first respondent-Commissioner of Mandapeta Municipality, East Godavari filed counter affidavit denying all the allegations made by the petitioner. It is stated that on 27.06.2005 a meeting was arranged between the petitioner and respondent No.1 in the chamber of first respondent, negotiations were carried out between them and finally, the first respondent gave an assurance that all the members of the society will be provided with alternative sheds in the existing vacant place available in front of the Municipal Office on temporary basis and the question of throwing the members on roads does not arise at any point of time from any corner as respondent No.1 is taking up the responsibility to safe guard the interests of the members of the Society by constructing a new market without any hindrance or disturbance to the public.

In view of the assurance given by the first respondent in his counter stating that new shops will be constructed by them as per the requirements of the members of the petitioner-Society and the said proposal of the first respondent for construction of new shops will definitely cater to the needs of all the members of the petitioner-Society, the writ petition is disposed of directing the respondents to complete the proposed construction of new shops for the members of the petitioner-Society as expeditiously as possible. No costs.

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E.DHARMA RAO J.,

Dt.11.07.2005

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To

1 The Commissioner of Mandapeta Municipality, Mandapeta, E.G.District.
2 The Special Officer, Mandapeta Municipality, Mandapeta, E.G.District.

3 2 CD copies

2 1 CC to MR.SATYANARAYANA MURTHY